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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2013-14

**LEGISTAR #:** 20130236

**LANDOWNERS:** PMG Investors, LLC  
Philip Goldstein, Herbert S. Goldstein  
Family Limited Partnership  
58 South Park Square, Suite P  
Marietta, GA 30060

**PETITIONER/AGENT:** Mr. Mark Allen  
6410 Vicksburg Court  
Acworth, GA 30101

**PROPERTY ADDRESS:** 52 & 60 Atlanta Street

**PARCEL DESCRIPTION:** District 16, Land Lot 12310, Parcels 1530 & 0800

**AREA:** 0.295 acres

**COUNCIL WARD:** 5

**EXISTING ZONING:** CBD (Central Business District)

**REQUEST:** CBD with an additional use (distillery)

**FUTURE LAND USE MAP**

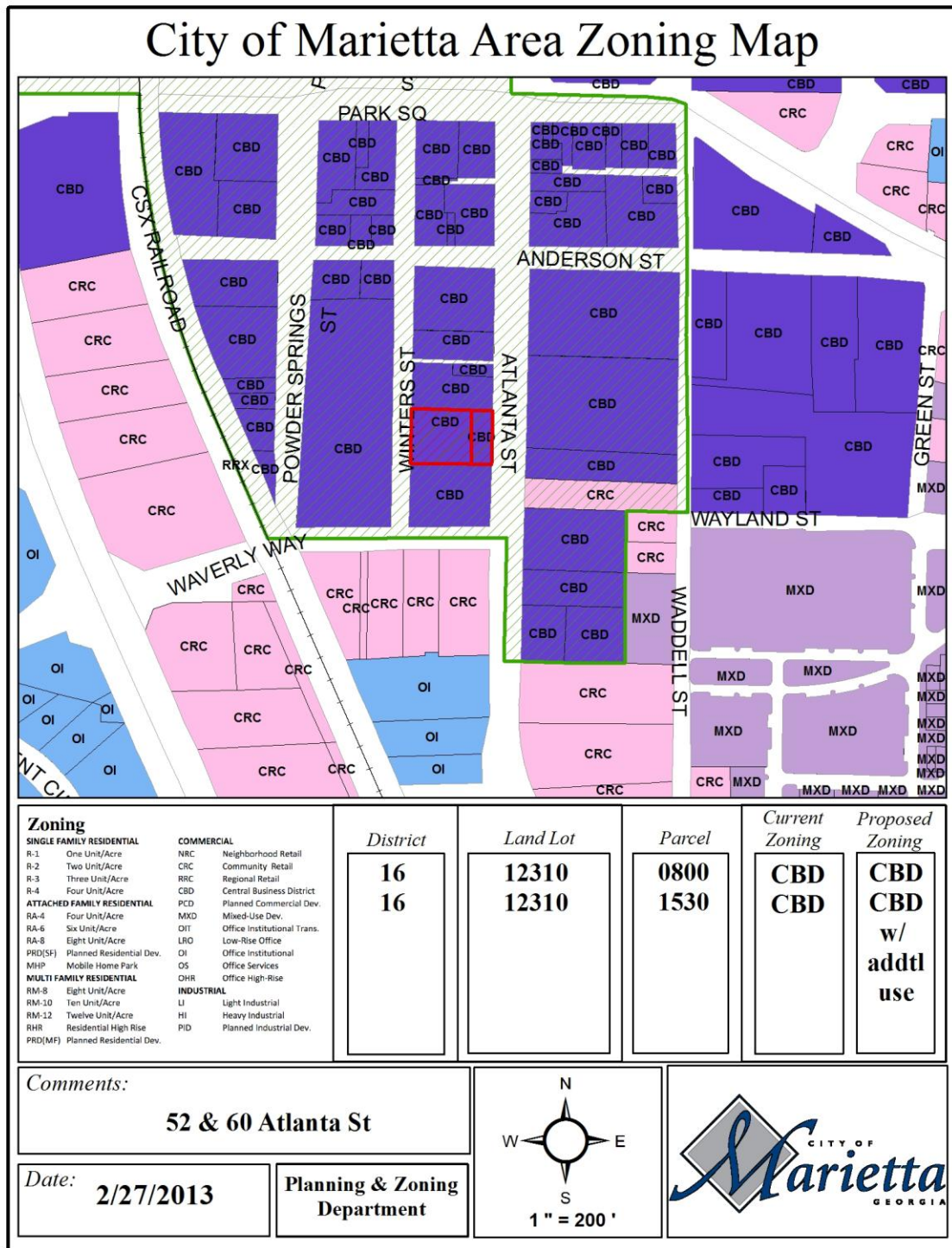
**RECOMMENDATION:** CBD (Central Business District)

**REASON FOR REQUEST:** The applicant is requesting the rezoning of these two parcels from CBD to CBD with an additional use for light manufacturing so the property may be used as a distillery.

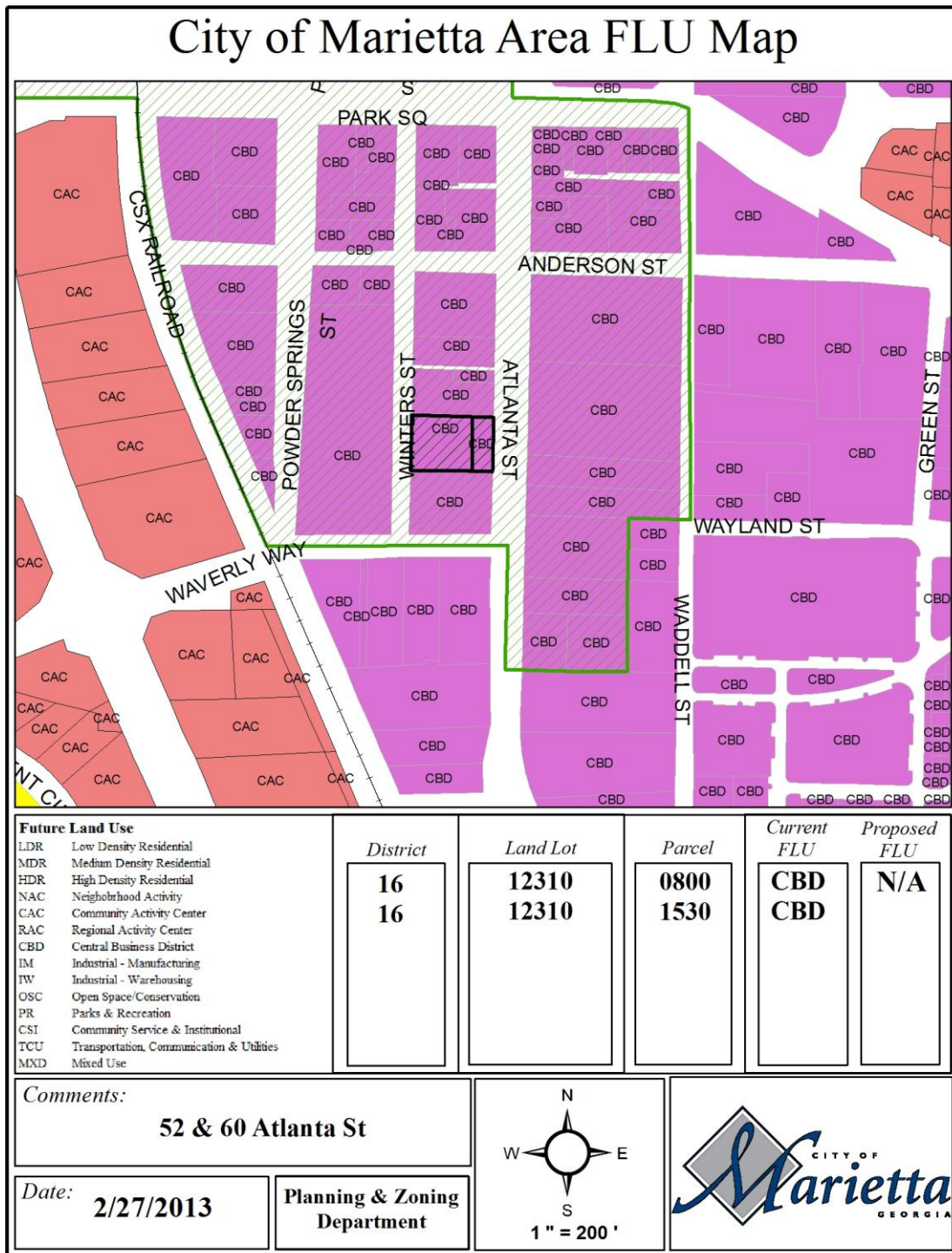
**PLANNING COMMISSION HEARING:** Tuesday, April 2, 2013 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, April 17, 2013 – 7:00 p.m.

## MAP



## FLU MAP





## PICTURES OF PROPERTY



**Subject property from Atlanta Street**



**Subject property from Winters Street**

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, Mark Allen, is requesting the rezoning of 52 and 60 Atlanta Street from CBD (Central Business District) to CBD with an additional use so the property may be used as a distillery. The properties, totaling approximately 0.3 acres in size, contain frontage along both Atlanta Street and Winters Street. Sherwin Williams is located directly to the south, while a parking lot is located to the immediate north; both are zoned CBD. For the past few years this property has operated as a car repair facility, which was not appropriately suited to this property because of the limited acreage and available parking/vehicular storage.

### *Use Potential and Impacts*

The applicant wishes to open a distillery near the Marietta Square where he could produce, bottle, and distribute whiskey. Stills used for whiskey distillation can vary in size and type. The applicant has not provided any information regarding the number, size, or types of stills he will be using, so it is not clear whether the use will generate any negative smells or sounds. However, it is reasonable to assume that all production activity and storage will take place within the interior of the building, which should minimize any effects the activity will have on the adjacent parcels. The applicant has not indicated whether any building customization or alteration will be necessary in order to accommodate the business.

Because the Marietta Zoning Ordinance does not include a definition for distillery, no zoning district expressly allows them as a permitted use. The common definition of distillery is *an establishment for the evaporation and subsequent collection of a liquid by condensation as a means of purification*. The CBD allows a few uses that are similar, such as light assembly, wholesale trade, packing, and distribution establishments. Other permitted uses in CBD, such as car sales, car maintenance facilities, fuel dealers, heliports, the construction and repair of outdoor advertising signs, and bus stations, operate at an equal, if not higher, intensity than a small-scale (micro) distillery. Also, like many old city centers, the area surrounding Downtown Marietta has historically had some uses that would have been considered “manufacturing”. Even businesses such as the Brumby Chair Factory and the Coca Cola bottling facility, which are outside of the Central Business District, would have been considered “manufacturing” uses.

The future land use classification of the property is Central Business District (CBD), which is described by the Comprehensive Plan as containing a mixture of residential and nonresidential activity that complements the existing diversity of Downtown Marietta. Both the existing and proposed zoning category for this property is compatible with the future land use. The proposed use as a distillery would also be considered compatible with the future land use designation.

### *Environmental Impacts*

There is no indication of any streams, floodplain, endangered species, or wetlands on the property.

### *Economic Functionality*

This property shows a consistent business license history indicating that it is economically functional as currently zoned.

### *Infrastructure*

Properties zoned CBD are exempt from providing parking for the first 15,000 square feet on the street level. The building on the property is approximately 6,392 square feet in size, so no parking is required for this building. Even though parking is not required, there are sufficient number of parking spaces in front of the building to accommodate employees and visitors.

It is unlikely that the operation of a distillery will significantly impact the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

### *History of Property*

There is no history of any variances, Special Land Use Permits, or rezonings for this property.

### *Other Issues*

These two properties are located within the Downtown Marietta Historic District. Any proposal involving the exterior modification of the building or site will require a Certificate of Approval from the Marietta Historic Board of Review or City Council (in the case of demolition).

## ANALYSIS & CONCLUSION

The applicant, Mark Allen, is requesting the rezoning of 52 and 60 Atlanta Street from CBD (Central Business District) to CBD with an additional use so the property may be used for the production, bottling, and distribution of whiskey. A parking lot and retail paint store are located immediately adjacent to the subject property.

Stills used for whiskey distillation can vary in size and type. The applicant has not provided any information regarding the number, size, or types of stills he will be using, so it is not clear whether the use will generate any negative smells or sounds. However, should all production activities be conducted indoors, the use should not negatively impact the parcels immediately adjacent to or in the general vicinity of the property. For the past few years this property has operated as a car repair facility, which was not appropriately suited to this property because of the limited acreage and available parking/vehicular storage.

Because the Marietta Zoning Ordinance does not include a definition for distillery, no zoning district expressly allows them as a permitted use. The common definition of distillery is *an establishment for the evaporation and subsequent collection of a liquid by condensation as a means of purification*. The CBD allows a few uses that are similar, such as light assembly, wholesale trade, packing, and distribution establishments. Other permitted uses in CBD, such as car sales, car maintenance facilities, fuel dealers, heliports, the construction and repair of outdoor advertising signs, and bus stations, operate at an equal, if not higher, intensity than a small-scale (micro) distillery. Also, like many old city centers, the area surrounding Downtown Marietta has historically had some uses that would have been considered “manufacturing”. Even businesses such as the Brumby Chair Factory and the Coca Cola bottling facility, which are outside of the Central Business District, would have been considered “manufacturing” uses.

The proposed use as a distillery would be considered compatible with the future land use designation of Central Business District (CBD).

Prepared by: \_\_\_\_\_

Approved by: \_\_\_\_\_



## DATA APPENDIX

### ***CITY OF MARIETTA - WATER***

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	8-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

### ***CITY OF MARIETTA - SEWER***

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F.      Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County





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## DATA APPENDIX CONTINUED

### ***DRAINAGE AND ENVIRONMENTAL CONCERNS***

Public Works-Engineering has no comments.

### ***EMERGENCY SERVICES***

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Nearest city or county fire station from the development? Marietta Station 51

Distance of the nearest station? 0.4 miles

Most likely station for 1<sup>st</sup> response? Marietta Station 51

Service burdens at the nearest city fire station (under, at, or above capacity)? none

### ***MARIETTA POWER - ELECTRICAL***

Does Marietta Power serve this site? Yes   X   No           

If not, can this site be served? Yes            No           

What special conditions would be involved in serving this site?

Additional comments: